

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

TEDDY L. MAY

PLAINTIFF

vs.

CIVIL ACTION NO.: 2:11-CV-193-MPM-JMV

**BOBBY PHILLIPS AND
CORRECTIONS CORPORATION OF AMERICA**

DEFENDANTS

ORDER

This cause came before this Court during a status conference initiated by defense counsel after plaintiff's counsel failed to appear at a noticed deposition (See Docket Entry #s 75 and 76). Mr. Simpson's deposition was originally scheduled for May 31, 2013, but the court granted defendant's motion to continue the cross-examination of Mr. Simpson based on technical difficulties of the court reporter. The deposition was scheduled for completion on June 5, 2013, but the witness failed to appear. On June 20, 2013, defendants again noticed Mr. Simpson's deposition for Wednesday June 26, 2013. Defense counsel and the witness, Mr. Ralph Simpson were present at 10:00, the time noticed for the conclusion of Mr. Simpson's deposition. However, plaintiff's counsel was not present. The court held a telephonic status conference at 11:30 am on June 26, 2013 and instructed counsel for the parties as follows:

Plaintiff's counsel shall be available via land-telephone line to attend the deposition by 12:30 p.m. today June 26, 2013 and Mr. Simpson's deposition shall proceed. The deposition of Mr. Simpson is to be completed today regardless of Plaintiff's counsel's availability.

IT IS, THEREFORE, ORDERED that Mr. Simpson's deposition shall be resumed and

completed today. The court will take up the matter of sanctions upon further motion, if any, by defense counsel.

SO ORDERED, this the 26th day of June 2013.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE